

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID HARRY BRANNON,)	No. C 02-3700 SBA (PR)
)	
Plaintiff,)	
v.)	<u>ORDER OF DISMISSAL</u>
)	
ALAMEDA COUNTY, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff DAVID HARRY BRANNON, a patient at Atascadero State Hospital, confined pursuant to California's Sexually Violent Predator Act, filed this action on July 31, 2002. The Court granted Plaintiff's motion to proceed in forma pauperis on November 14, 2002. On December 12, 2002, he filed a first amended complaint. On September 25, 2003, the Court granted Plaintiff's motion for reimbursement of filing fees. On November 13, 2003, Plaintiff wrote a letter to the Clerk of the Court inquiring about the status of his reimbursement check. Since then, Plaintiff has not communicated with the Court.

In an Order dated June 3, 2005, the Court directed Plaintiff to inform the Court of his current address and of his continued intent to prosecute this action. The Court informed Plaintiff that if he failed to do so within thirty days, this action would be dismissed without prejudice for failure to prosecute. The Order sent to Plaintiff at Atascadero State Hospital was returned as undeliverable on June 20, 2005.

Pursuant to Northern District Local Rule 3-11 an attorney or party proceeding pro se whose address changes while an action is pending must promptly file and serve upon all opposing parties a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint or strike an answer when: (1) mail directed to the attorney or the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within 60 days of this return a written communication from the attorney or pro se party indicating a current address. See L.R. 3-11(b).

1 It has now been more than sixty days since the Court's Order Directing Plaintiff to Show
2 Continued Intent to Prosecute this Action was returned as undeliverable. The Court has not
3 received a notice from Plaintiff of a new address. Accordingly, this action is DISMISSED without
4 prejudice. See L.R. 3-11(b). The Clerk of the Court shall enter judgment and close the file.

5 IT IS SO ORDERED.

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7 DATED: 8/29/05

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9 SAUNDRA BROWN ARMSTRONG
10 United States District Judge
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